

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Christopher A. Condon,

Case No. 3:19 CV 2570

Plaintiff,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

Plaintiff Christopher Condon seeks judicial review of the Commissioner's determination that he is not entitled to benefits (Doc. 1). Magistrate Judge Carmen Henderson issued a Report and Recommendation ("R&R") recommending this case be remanded based on *Ramsey v. Commissioner of Social Security*, 973 F.3d 537, 544 (6th Cir. 2020) (Doc. 16 at 2). Defendant then filed a Motion to Stay (Doc. 18); Plaintiff opposed (Doc. 19). This Court granted a 30-day stay (Doc. 20). After discussion with counsel, this Court lifts that stay.

Defendant "objects" to the R&R because the Supreme Court is scheduled to hear two cases on the same issue presented in *Ramsey* (Doc. 17). But that is insufficient to justify further delaying a case that has now dragged on for a decade (*see* Doc. 19 at 2). This Court must weigh Defendant's arguments against the need for Plaintiff to have a decision on his application for benefits. *See Gentry v. Comm'r of Soc. Sec.*, 741 F.3d 708, 730 (6th Cir. 2014) (remanding for benefits after two remands and three administrative hearings). Justice delayed can be justice denied. Two ALJ decisions in this case have been remanded and now Plaintiff faces a third -- due to no fault of his own. Further,

irrespective of the Appointments Clause issue, a remand before a new ALJ may well be supported by the merits (Doc. 19 at 3).

Balancing these factors, the Objection (Doc. 17) is overruled. The R&R (Doc. 16) is adopted. This case is remanded to the Social Security Administration for a new hearing before an ALJ other than the ALJ who presided over the original hearing.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

December 18, 2020